

September 10, 2008

Mr. Chad Stobbe
Land Quality Bureau
Iowa Department of Natural Resources
502 East 9th Street
Wallace State Office Building
Des Moines, IA 50319-0034

P.O. BOX 697

Re: Iowa Administrative Code (IAC) 567 Chapter 108 proposed changes.

DES MOINES, IA 50303-0697

Dear Mr. Stobbe:

515 262 4040

Artistic Waste Services, Inc. (hereafter AWS) is submitting the following comments on the proposed amendments to IAC 567, Chapter 108 titled "*Beneficial Use Determinations: Solid By-Products As Resources And Alternative Cover Material.*"

1. 567-108.3 Definitions: AWS opposes the elimination of fill material as an option for elevation improvements. AWS believes using fill material to make elevation improvements should remain an option for the Department. Using fill material for this purpose can be done in a manner consistent with the Department's environmental goals. No scientific evidence has been provided by the Department relating to the detrimental effect of using fill material in this manner.

2. 567-108.4 Universally approved beneficial use determinations: It has been proposed to remove Alternative Cover Material from this section completely.

Currently, there are many products being used as alternative daily cover at landfills in Iowa. However, as a construction and demolition recycler, our product is directly derived from a waste stream that has always been introduced to the landfill.

Our ability to systematically remove recyclable materials in order to reduce the portion of the C&D waste stream entering the landfill produces a by-product that would otherwise be deposited in the landfill in a non-beneficial manner.

Our process refines the material in order to make a consistent, value added material that has been proven to work in the State of Iowa. During conversations with Mr. Chad Stobbe of the DNR, he mentioned numerous other forms of alternative cover materials that have been used by landfills in an abusive manner in order to receive the coveted IDNR reduction goal. However, many of these materials are not derived from a recycling process such as ours. Most of them are derived from a process that is not connected to the waste stream at all.



As stated earlier, commonly used alternative cover material is produced as a direct result of a waste diversion process that adds value to the majority of tons that enters our facility. **It would be an understatement to say the removal of an universally approved beneficial use determination for alternative cover derived from C&D recovery process's would be detrimental to the recycling industry. This provision has the potential to cause great harm to the state's recycling program.**

108.5(2)(5)(c) A demonstration that there is a known market: While this proposed rule change is understood by us as a producer, it must also be stated that in an industry as regulated as ours, it is nearly impossible to devise a feasible marketing strategy for a new product without producing the product prior to receiving a beneficial use determination. In the solid waste processing business, we must always receive permission from the Department prior to the production of any new product. That said, it would be beneficial for a "test period" of a significant timeframe and volume in order to properly market new materials.

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108.6 Requirements for beneficial uses other than alternative cover material: This proposed rule states that any beneficial use determinations for materials used as fill must be regulated by sanitary landfill rules.

The adoption of this proposed change will greatly hinder the sustainability of not only or industry, but many others as well. The DNR should continue to regulate this area as it currently does.

There has always been testing criteria that a company must abide by in order to receive a beneficial use determination. The theory that these fill projects must be held to the same standard as a solid waste landfill, where no processing has taken place, is simply an overstepping of regulatory authority.

The entire basis of this rule is to ensure that no environmental safety or human health is affected. As mentioned above, there is testing criteria to ensure that neither the environment nor human health is compromised by these projects. By applying the strict landfill liner guidelines to these projects, the DNR is squelching the ability for new market development as well as successful projects that have had a proven and beneficial basis. There is absolutely no reason that fill projects where materials have no detriment to environment or health need be classified and regulated with landfills that accept the entire spectrum of the waste stream, from diapers to asbestos.

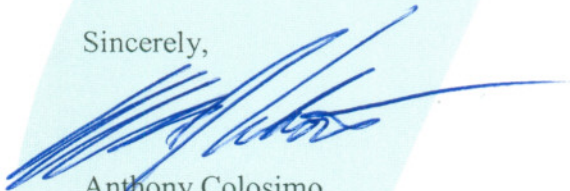
108.10 proposed 8 Beneficial use of alternative cover material and state goal progress: The proposal that there be no cost to the generator or hauler in order to receive credit for reduction by a solid waste agency greatly hinders the ability for recyclers to remain viable as a business.

It is important to understand that in the C&D recycling industry, alternative cover material is a necessary product to produce. That said, while many landfills utilize this material nationwide, it is not always economically justifiable nor politically accepted to

purchase this material. However, landfills will accept the material for free or for a small charge. For the DNR to state there can be no cost to a generator or hauler in order to exempt solid waste agencies from the DNR fee is the same as de-marketing the cover material as a recycled product all together. This de-marketing would be greatly realized within the State of Iowa as most solid waste comprehensive planning areas have only one landfill to market to. Therefore, the marketing of alternative cover to landfills outside of the facilities comprehensive plan becomes significantly more difficult because of the increasingly high transportation costs.

In addition, this proposed change will incentivize landfills to utilize soil (which in Iowa has a great value) instead of alternative cover. Utilizing recycled C&D waste as an alternative daily cover encourages recycling in one of the largest waste streams in the Metro Area. We believe it is important to make a distinction in this proposed rule between commonly used alternative cover and others for that reason. Also, we request there be separate regulatory rule as well as fee exemption rules for our material as our process greatly reduces the amount of waste entering landfills.

Sincerely,



Anthony Colosimo
CEO
Artistic Waste Services, Inc.

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